

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

PHILLIP TUCKER,

Plaintiff,

v.

COSTCO WHOLESALE,

Defendant.

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Civil Action No. 3:18CV121-HEH

**MEMORANDUM OPINION
(Dismissing Action Without Prejudice)**

On March 22, 2018, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on May 8, 2018, the Court directed Plaintiff to pay an initial partial filing fee of \$11.66 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.



/s/

Henry E. Hudson
Senior United States District Judge

Date: June 25, 2018
Richmond, Virginia